

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL**No. 626**

Introduced by Assembly Member Liu

February 19, 2003

An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Liu. Vehicles: 15-passenger vans.

Existing law authorizes a governing board of a school district to purchase or lease vehicles to provide transportation of pupils to and from school. Existing law also authorizes the Department of General Services or a state agency, as authorized by the Department of General Services, to contract with suppliers to acquire goods and services for state agencies.

This bill makes legislative findings that 15-passenger vans are unsafe and declares the intent of the Legislature that all school districts, *private schools*, community colleges, and the California State University should be prohibited from acquiring 15-passenger vans.

This bill would prohibit school districts, *private schools*, community colleges, and the California State University, from acquiring or using a 15-passenger van, as defined, for the purpose of transporting more than one passenger and would further require, beginning on and after January 1, 2005, that those school districts, *private schools*, community colleges, and the California State University that already own a 15-passenger van on January 1, 2004, limit the operation of those vehicles to persons issued an endorsement for the operation of those vehicles and holding a class B driver's license.

The California Constitution authorizes the Regents of the University of California to enter into public contracts.

This bill would provide that the Legislature recommends that the Regents of the University of California adopt rules and regulations that would impose upon the university the requirements contained in the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 National Transportation Safety Board has recently issued findings
3 that 15-passenger vans, because of their design, are involved in a
4 greater number of single-vehicle accidents that result in rollover
5 crashes than other passenger vehicles.

6 (b) It is the intent of the Legislature that all school districts,
7 *private schools*, California Community Colleges, and the
8 California State University, should be prohibited from purchasing
9 or leasing 15-passenger vans and that all school districts, *private*
10 *schools*, California Community Colleges, and campuses of the
11 California State University that currently own 15-passenger vans
12 require that those vehicles may only be driven by a person holding
13 a commercial driver's license.

14 SEC. 2. Section 39800.5 is added to the Education Code, to
15 read:

16 39800.5. (a) Notwithstanding any other provision of law, on
17 and after January 1, 2004, ~~a school district~~ *school districts and*
18 *owners or operators of a private school that provides*
19 *transportation for pupils* may not purchase, lease, otherwise



1 acquire, or use a 15-passenger van for the purpose of transporting
2 ~~more than one passenger.~~ *passengers.*

3 (b) Any school district *and any owner or operator of a private*
4 *school that provides transportation for pupils* that, on January 1,
5 2004, owns, leases, or otherwise has possession or control of a
6 15-passenger van, may not, on or after January 1, 2005, authorize
7 the operation of that van for the purpose of transporting ~~more than~~
8 ~~one passenger~~ *passengers* unless the person driving or otherwise
9 operating that van has both of the following:

10 (1) A valid class B driver's license, as provided in Division 6
11 (commencing with Section 12500) of the Vehicle Code, issued by
12 the Department of Motor Vehicles.

13 (2) An endorsement for operating a passenger transportation
14 vehicle, as provided in Article 6 (commencing with Section
15 15275) of Chapter 7 of Division 6 of the Vehicle Code, issued by
16 the Department of Motor Vehicles.

17 (c) (1) Except as provided in paragraph (2), for purposes of
18 this section, a "15-passenger van" means any van manufactured
19 to accommodate 15 passengers, including the driver, regardless of
20 whether that van has been altered to accommodate fewer than 15
21 passengers.

22 (2) For purposes of this section, a "15-passenger van" does not
23 mean a 15-passenger van with dual rear wheels that has a gross
24 weight rating equal to, or greater than, 11,500 pounds.

25 SEC. 3. Section 10326.1 is added to the Public Contract Code,
26 to read:

27 10326.1. (a) Notwithstanding any other provision of law, on
28 and after January 1, 2004, California Community Colleges and the
29 California State University may not purchase, lease, otherwise
30 acquire, or use a 15-passenger van for the purpose of transporting
31 ~~more than one passenger.~~ *passengers.*

32 (b) A campus or a facility of a California Community College
33 or a campus or a facility of the California State University, that, on
34 January 1, 2004, owns, leases, or otherwise has possession or
35 control of a 15-passenger van, may not, on or after January 1, 2005,
36 authorize the operation of that van for the purpose of transporting
37 ~~more than one passenger~~ *passengers* unless the person driving or
38 otherwise operating that van has both of the following:

1 (1) A valid class B driver's license, as provided in Division 6
2 (commencing with Section 12500) of the Vehicle Code, issued by
3 the Department of Motor Vehicles.

4 (2) An endorsement for operating a passenger transportation
5 vehicle, as provided in Article 6 (commencing with Section
6 15275) of Chapter 7 of Division 6 of the Vehicle Code, issued by
7 the Department of Motor Vehicles.

8 (c) (1) Except as provided in paragraph (2), for purposes of
9 this section, a "15-passenger van" means any van manufactured
10 to accommodate 15 passengers, including the driver, regardless of
11 whether that van has been altered to accommodate fewer than 15
12 passengers.

13 (2) For purposes of this section, a "15-passenger van" does not
14 mean a 15-passenger van with dual rear wheels that has a gross
15 weight rating equal to, or greater than, 11,500 pounds.

16 (d) The Legislature recommends that the Regents of the
17 University of California adopt rules and regulations similar to the
18 provisions contained in this section.

